

REMARKS

Statement Regarding Substance of Interview

Applicants representative gratefully thanks the Examiner for her time and suggestions during the telephonic Interview conducted March 8, 2007.

Response to Office Action

Claims 1, 3, 28, 30, 32 and 36-38 have been amended. Claims 2 and 31 have been canceled. Applicant has amended the claims to further clarify the claimed invention. Claims 1, 3, 4, 9-18, 28, 30, 32 and 36-38 remain pending in the present application. Applicant reserves the right to pursue the original and any other claims in this and other applications.

Claims 1-4, 10-18, 28, 30-32 and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow in view of Brennan. The rejection is respectfully traversed. Claims 2 and 31 have been canceled, and thus this rejection is no longer applicable to those claims.

Claim 1 recites a telecommunication device having a processor capable of “using [a] . . . retrieved user preference to substantially simultaneously form a first communication path between [the] processor and the first communication device by dialing [a] first telephone number and form a second different communication path between [the] processor and the second communication device by dialing [a] second telephone number.” Claim 1 further recites that the processor “holds [a] call for a predetermined time until it is determined that the user has answered [a] first or second

communication device, authenticates the answered device before forming a completed physical circuit connection between the calling device and the answered device, and routes the call to the answered device.” Applicant respectfully submits that, as discussed during the interview, the cited combination fails to disclose, teach or suggest the claimed invention.

The claimed invention employs multi-communication paths that do not connect the inbound call immediately to the called party’s devices. The claimed invention holds the call in a connect unit (i.e., processor) until the call has been authenticated. Thus, the calling party in the claimed invention is not physically connected to the called party until the claimed invention electronically switches the calls together to form a single circuit. In other words, the physical circuit from the calling party to the called party is not connected or completed until the user authenticates the call via the answered device. Harlow and Brennan do not disclose or teach these features.

Applicant respectfully submits that the architecture of Brennan relates to a single communication path switch call, meaning that when Brennan transfers a call to a remote device, the physical circuit from the calling party to the called party is connected and complete. That is, even though the calling party cannot communicate with the called party until the Brennan system verifies that the caller is on the line, the physical Brennan connection is complete before authentication.

As articulated previously, claim 1 refers to a completed physical circuit connection between the two formed communication paths that occurs after the call is authenticated. The claimed invention connects the held call (one communication) to the authenticated communication path (second communication) to form a completed physical circuit connection (connecting the two separate connections). In Brennan, however, the

physical connection is established before authentication. This is a major difference between Harlow (discussed below), Brennan and the claimed invention. Moreover, combining Harlow with Brennan, as suggested by the Office Action, does not teach or suggest the claim 1 invention.

In addition, as previously articulated, Applicant also respectfully submits that Harlow and Brennan do not teach or suggest “a processor for identifying a dialed telephone number associated with the call, [and] . . . using the dialed telephone number to retrieve from a storage medium a first telephone number associated with a first communication device, a second telephone number associated with a second communication device, and at least one user preference, each of which being associated with the user,” (i.e., the called party). The claimed invention, in one aspect, relates to calling a single user using multiple communication paths and devices; not calling multiple users via multiple communication paths, as is described by Harlow. In the claimed invention, “[the] first communication device, . . . [the] second communication device, and [the] at least one user preference” are all “associated with the [one] user.” Applicant respectfully submits that the cited combination also fails to teach or suggest this feature. This is another reason why the claim is allowable.

Accordingly, the combination of Harlow and Brennan fails to render obvious the claimed invention. Moreover, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to combine the teachings of the cited prior art to achieve a telecommunication device having a processor for establishing communication with one or more of a plurality of devices with a single telephone number. One of ordinary skill would not have looked to a local telephone switching system (Harlow) to combine it with a system that serves as a personal communication service (Brennan) to

achieve a telecommunication device for establishing communication with one or more of a plurality of devices associated with a single telephone number and user. Thus, Applicant respectfully submits that it is improper to combine the references in the manner suggested by the Office Action.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). The Federal Circuit requires that, in order to prove that a claim is obvious in light of two or more prior art references, a teaching, suggestion or motivation to combine the two must be shown. Teleflex v. KSR Intl. Co., 119 Fed. Appx. 282 (Fed. Cir. 2005). There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. The Office Action is using impermissible hindsight by using the claims of the present application as a road map to improperly combine the references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144.

Hence, the inventions of Harlow, Brennan and the present application are patentably distinct. The cited combination fails to disclose, teach or suggest all features of claim 1. Claims 28 and 30 recite similar limitations. Claims 3, 4 and 10-18 depend from claim 1 and are allowable along with claim 1. Claims 32 and 36-38 depend from claim 30 and are allowable along with claim 30. Accordingly, Applicant respectfully requests that the rejection be withdrawn and that claims 1, 3, 4, 10-18, 28, 30, 32 and 36-38 be allowed.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow in view of Brennan and further in view of Swan. The rejection is respectfully traversed.

Claim 9 depends from claim 1 and is thus allowable over the Harlow and Brennan combination. Swan, which is cited by the Office Action as teaching a caller being prompted with a menu of call destination options and routing the call to at least one destination telephone number in accordance with an option selected by the caller, fails to overcome the above-noted deficiencies. That is, Swan does not teach or suggest a telecommunication device having a processor capable of “using [a] . . . retrieved user preference to substantially simultaneously form a first communication path between [the] processor and the first communication device by dialing [a] first telephone number and form a second different communication path between [the] processor and the second communication device by dialing [a] second telephone number,” that “holds [a] call for a predetermined time until it is determined that the user has answered [a] first or second communication device, authenticates the answered device before forming a completed physical circuit connection between the calling device and the answered device, and routes the call to the answered device.”

Therefore, even adding the teachings of Swan to the Harlow and Brennan combination, the cited references fail to disclose, teach or suggest all features of the claim 9 invention. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

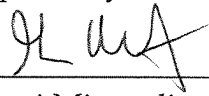
In addition, as suggested by the Examiner during the Examiner interview, a Terminal Disclaimer is being submitted concurrently herewith. The Terminal Disclaimer

lists U.S. Application No. 10/144,714, which has been allowed but not yet issued. A Request for Continued Examination is also being filed concurrently herewith.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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